

# Notice of Allowability

Application No.

09/757,070

Examiner

Katherine W. Mitchell

Applicant(s)

SEAMAN ET AL.

Art Unit

3677

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/27/2007.
2. ☒ The allowed claim(s) is/are 132-139, 141-143, 145-150, 152-163, 165-167, 169-174 and 176-179.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20070816.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Marisa Dubuc on 8/16/2007.

The application has been amended as follows:

3. **In the Claims:**

4. ***Claims 132, 145, 156, and 169 have been amended to change the last 4 lines of each respective claim by deleting:***

"providing copies of purchase orders between the contract manufacturer and the component supplier to the buyer for tracking and reconciliation purposes; and a request to provide a production bill of materials that factors in revisions to the purchase prices of components that reflect the purchase price available to the buyer."

***And inserting in its place:***

--providing copies of purchase orders between the contract manufacturer and the component supplier to the manufacturing entity for tracking and reconciliation purposes; and

a request to provide a production bill of materials that factors in revisions to the purchase prices of components that reflect the purchase price available to the manufacturing entity.--

5. ***Claims 132, 145, 156, and 169 have been amended to add the following at the end of each respective claim, immediately after “purchases price available to the manufacturing entity” and immediately before the period ending each respective claim:***

--and wherein the contract manufacturer agrees to abide by said guidelines, comprising:

keeping said pricing information confidential for a period of time;

restricting purchases to said part numbers provided with the authorization;

providing copies of said purchase orders between the contract manufacturer and the component supplier to the manufacturing entity for tracking and reconciliation purposes; and

complying with a request to provide said production bill of materials that factors in revisions to the purchase prices of components that reflect the purchase price available to the manufacturing entity—

6. **In the Specification:**

7. Page 6, lines 11-12 have been amended to delete “Application, attorney docket number FIS9-2000-0230US1” and insert in its place –7,047,215, which issued May 16, 2006 and --

8. The following is an examiner’s statement of reasons for allowance: The record is clear on the allowability over the art of record, including Harbert, DesignWin, Johnson, HU, and examiner’s affidavit. However, examiner notes that Fig 7 in particular provides support that the contract manufacturer agrees to the authorization attachment guidelines, and examiner notes that “authorization attachment” was interpreted broadly

to include authorization documents in any form – that is, it could be a letter, or in the body of the contract, or any manner that an authorization is reasonably communicated to a contract manufacturer. In examiner's experience, pricing information was not kept confidential, and thus examiner cannot expand her affidavit to include this, nor does any art, including examiner's experience, include providing copies of purchase orders between the contract manufacturer and the component supplier to the manufacturing entity, or providing a production bill of materials factoring in the revised prices reflecting the manufacturing entity's purchase price.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

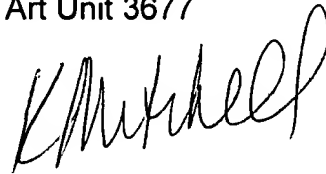
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Katherine W Mitchell  
Primary Examiner  
Art Unit 3677

A handwritten signature in black ink, appearing to read 'K Mitchell', written in a cursive style.

8/16/2007